

AMENDMENT UNDER 37 CFR 1.114
REQUEST FOR CONTINUED EXAMINATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

| | | | |
|------------|---|---|---|
| Applicant | : | Slocombe et al. | |
| Appln. No. | : | 09/982,721 | Confirmation No: 8719 |
| Filed | : | October 18, 2001 | Group Art Unit: 2154 |
| Title | : | CONTENT REQUEST ROUTING AND LOAD BALANCING FOR CONTENT DISTRIBUTION NETWORKS | Examiner: Patel, Ashokkumar B Docket No. 74120-301396 / 519-023-USP |

REQUEST FOR REFUND UNDER 37 CFR 1.117

MAIL STOP RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

For the following reasons, Applicants request refund of the Notice of Appeal Fee of \$500 and the Three-month Extension Fee of \$1020 that were paid 13 August 2007.

A Final Office Action was mailed in this matter on February 13, 2007. The final six-month deadline was August 13, 2007. In a telephone conversation between Examiner Ashkokkumar B. Patel and Attorney Damon A. Rieth on June 11, 2007, it was agreed that the February 13, 2007 Final Office Action would be withdrawn and a new Office Action would be issued prior to the August 13, 2007 six-month deadline.

However, as no new Office Action had been received by August 3, 2007 in this matter, Sara B. McPeak, Secretary for the undersigned Attorney Damon A. Rieth, spoke with Examiner Patel on August 3, 2007. She told Examiner Patel that the applicants were asking for something in writing from the Examiner to affirm the above agreement. Examiner Patel stated that nothing in writing would be needed. As a precautionary measure so as to be assured that the above

application would not be abandoned on the six-month date (i.e.: 13 August 2007), Applicants filed a Notice of Appeal and Petition for Extension of Time to Respond on 12 August, 2007. A Final Office Action was mailed to applicants by the United States Patent and Trademark Office on 12 October 2007.

Applicants believe that no Notice of Appeal fee was necessary and no Extension Fee was necessary in this matter, and applicants respectfully request a refund in the total amount of \$1520 be credited to Deposit Account 503199.

Respectfully submitted,

Dated: 31 October 2007

/Damon A. Rieth/

Damon A. Rieth Reg. No. 52,167
Attorney for Applicant
USPTO Customer No. 69693
HENSLEY KIM & HOLZER, LLC
1660 Lincoln Street, Suite 3050
Denver, Colorado 80264
Tel: 720-377-0770
Fax: 720-377-0777